

TITLE 10 V.S.A. CHAPTER 83. VERMONT DEPARTMENT OF FORESTS, PARKS & RECREATION
SUBCHAPTER 4: FOREST FIRES & FIRE PREVENTION

§ 2645. Open burning; permits

(a) Except as otherwise provided in this section, a person shall not kindle or authorize another person to kindle a fire in the open air for the purpose of burning natural wood, brush, weeds, or grass without first obtaining permission from the town forest fire warden or deputy forest fire warden, stating when and where such fire may be kindled. Wood, brush, weeds, or grass may not be burned if they have been altered in any way by surface applications or injection of paints, stains, preservatives, oils, glues, or pesticides. Whenever such permission is granted, the fire warden, within 12 hours, shall issue a written "Permit to Kindle" for record purposes stating when and where such fire may be kindled.

(b) [Repealed.]

(c) The provisions of this section will not apply to:

(1) the kindling of a fire in a location where there is snow surrounding the open burning site;

(2) fires built in stone arches, outdoor fireplaces, or existing fire rings at State recreational areas or fires built in stone arches, outdoor fireplaces, or fire rings on private property that are not located within woodland, timberland, or a field containing dry grass or other flammable plant material contiguous to woodland;

(3) the kindling of a fire in a location that is 200 feet or more from: any woodland, timberland, or field containing dry grass or other flammable plant material contiguous to woodland; or

(4) areas within cities maintaining a fire department.

(d)(1) As used in this section, "natural wood" means:

(A) trees, including logs, boles, trunks, branches, limbs, and stumps;

(B) lumber, including timber, logs, or wood slabs, especially when dressed for use; and

(C) pallets that are used for the shipment of various materials, so long as such pallets are not chemically treated with any preservative, paint, or oil.

(2) "Natural wood" shall not mean other wood products such as sawdust, plywood, particle board, or press board.

(e) Nothing in this section shall be construed to limit the authority of the air pollution control officer to prohibit open burning in accordance with the rules adopted under chapter 23 of this title. (Added 1977, No. 253 (Adj. Sess.), § 1; amended 2015, No. 171 (Adj. Sess.), § 11.)

☑ KEY POINTS REGARDING BURN PERMITS

“Permits to Kindle Fire(s)” (Title 10 V.S.A. Chapter 83, § 2645(a))

Town forest fire wardens are responsible for the issuance of burn permits in their town. The warden may delegate some of this responsibility to Key Persons (see page 17) as long as steps are taken to assure proper review of requests to burn.

Permission to burn is granted only if the town fire warden deems it is safe to do so. During periods that local or statewide bans on issuing permits are in effect, no permits may be granted. It is recommended to restrict or prohibit burning during times of high forest fire danger. See forest fire danger rating section (page 23).

A “Permit to Kindle Fire” from a town forest fire warden does not substitute for an air quality open air burning permit. When any air quality permit is issued, a permit from the town fire warden will be a condition of that permission. Review the air pollution section of this handbook for more details.

Permission to burn from a town fire warden may be in written or verbal form. If verbal permission is used, a written permit must be completed for record keeping purposes within 12 hours after the verbal permission was given. It is recommended that fire wardens opt to give permission by written permit as this will avoid misunderstandings on your instructions to the permittee, but remember verbal permission is better than burning without any permission. If enforcement action involving a person having received permission to burn from you, as fire warden, then a written copy of a permit will better support and justify your actions. If a large amount of burning in one location is being requested, or if you have questions or concerns, you should visit the site before issuing the permit. You can then set specific conditions to avoid escape risk or related problems.

Issue permits for specific days and places to avoid problems. Do not exceed two or three days for a standing permit. You as warden may set specific written conditions of the permission to burn. If written on the permit, they become part of the permit and are enforceable. If an individual violates the conditions of burn permits, especially if the violations are habitual, you may choose to refuse issuing any future permits to him/her. If you feel the violation is serious enough, you may issue a fire prevention ticket.

It is important you maintain copies of all the permits you have issued during the year. During the annual review process, your District Fire Supervisor will need to know the number of burn permits issued in your town for the current year, including permits issued by Key Persons.

Be sure to complete all the information required on the burn permit and review the conditions printed on the backside with the permittee. Write the telephone number of the town fire department where indicated on the permit and be sure to have the permittee sign it as well as you signing it. Advise the permittee that all the conditions of the “Permit to Kindle Fire” must be followed and failure to do so will render the burn permit invalid and their fire will be an unpermitted burn.

Whether a warning or a fire prevention ticket is issued on a permit violation, you have the authority to have the fire extinguished. If the violator cannot or will not extinguish the fire, you may summon the fire department to do this. If you wish to recover suppression costs from the violator, the town must pursue this through civil action.

If you have any questions about how and when to issue burn permits or need additional permit books, contact your District Fire Supervisor.

Brush Fires

A permit from the Town Forest Fire Warden is required for burning wood, brush, weeds, or grass, if within 200 feet of woodland or fields containing dry grass or other inflammable plant material adjoining woodland, except when there is snow on the site.

A warden may refuse to issue a permit if in their judgment the weather or the site conditions create a dangerous situation.

Campfires

A person is not required to have a permit for a campfire (any fire for cooking or warming) on their own land.

Provisions Applying to ALL Fires at ALL Times

Fires kindled for the purpose of burning brush or for other lawful purposes shall be kindled only at such times and under such conditions as will enable the parties starting them to keep them entirely under control and not create a public nuisance or hazard. **Fires must be attended at all times.**

A person who builds a fire in or adjoining any woods shall totally extinguish such fire before leaving it.

See the section on [Forest Fire Laws](#) (page 55) for additional information on permission to kindle fires.

EXAMPLE OF A PERMIT TO KINDLE FIRE (A.K.A. BURN PERMIT)

FRONT

STATE OF VERMONT
Department of Forests, Parks and Recreation
PERMIT TO KINDLE FIRE

Permit No. Date Issued 20

Permission is hereby granted to
to kindle a fire in accordance with Vermont State Forest Fire Laws (10 V.S.A. Chapter 83, Section 2645)
at
in the town of on date(s) 20

Special Written Conditions (if required by Warden)

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I, the undersigned permittee, understand the law and my responsibility under this permit.

.
Permittee's Signature Warden's Signature

READ CONDITIONS ON REVERSE SIDE OF THIS PERMIT BEFORE BURNING

BACK

This Permit is granted under the following conditions:

<ol style="list-style-type: none"> 1. This permit is valid for place and time stated. 2. This permit in no way relieves the person to whom it is granted from any liability related to the fire or any damages it might cause. 3. The person setting the fire must at all times have sufficient help and tools present to control the fire. 4. Only natural wood material may be burned under this permit. Other materials burned require an Air Pollution permit as well as this permit. 5. The fire must not be left until it is entirely extinguished. 	<ol style="list-style-type: none"> 6. Restricted materials cannot be used to ignite natural wood materials. 7. Any special conditions written on this permit are to be considered as part of "conditions to burn". 8. If any permit condition is not followed, then the permit is immediately invalid and you will be burning illegally. 9. Violation of the conditions of this permit may result in the permittee receiving a "Vermont Fire Prevention Ticket" which will result in court action and a fine for each day of violation. 10. If you do not understand the law or have further questions, contact your local forest fire warden before you burn. This permit may be cancelled for cause at any time.
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IMPORTANT

If your fire escapes!

Call: _____ Warden's Telephone Number _____

The burn permit automatically makes a press-through copy as you fill it out. A stub does not need to be completed and only one set of signatures is necessary. Retain all permit copies for your records.

The front of the permit has a place for you as warden to write in special instructions for the permittee. Once they are written, they become part of the permit conditions. In addition to this list, there is a place for you to write in the fire department telephone number as well as your own.

Remember: Insert page divider when writing a permit.

CAMPING AND CAMPFIRES

As a Town Forest Fire Warden or Deputy Fire Warden, your responsibility for issuing “Permits to Kindle Fire” is limited to fires whose intent is debris removal by burning. The debris to be burned must comply with the definition of Natural Wood found in § 2645 (d) (1). Campfires used for cooking or warming do not require a burn permit. Your judgement and common sense will be the best means to determine whether an open burn should have a “Permit to Kindle Fire.”

On State Owned Land

The Agency of Natural Resources has the following policy in regard to camping and campfires:

Camping is allowed at developed areas (excluded are areas such as beaches, boat launch sites, picnic areas, and roadside turnouts). In developed areas fires shall be built only in fireplaces or charcoal grills provided on the site.

On Green Mountain National Forest Land

Camping is permitted on Green Mountain National Forest land. Campers are encouraged to use designated sites where proper facilities have been provided. Campfires should be built in facilities when provided. In locations where fire facilities do not exist, fires must be built in a safe location where they will not escape. A person starting a campfire is responsible for preventing its escape. It is a **violation of federal regulations** to leave a campfire without completely extinguishing it.

On All Private Land

The actual enforcement of these laws is a matter for the State Police or local law enforcement officers.

It is our understanding that a person must receive a warning before any action can be taken under general trespass laws. The posting of rules and regulations is considered warning.